

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
 §
vs. § NO: WA:20-CR-00171(1)-ADA
 §
(1) JUAN UBALDO RODRIGUEZ-CASTRO §

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On August 30, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) JUAN UBALDO RODRIGUEZ-CASTRO, which alleged that Rodriguez-Castro violated a condition of his supervised release and recommended that Rodriguez-Castro 's supervised release be revoked (Clerk's Document No. 32). A warrant issued and Rodriguez-Castro was arrested. On October 30, 2024, Rodriguez-Castro appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Rodriguez-Castro appeared before the magistrate judge on November 5, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on November 15, 2024, which provides that having carefully considered

all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Rodriguez-Castro, the magistrate judge recommends that this court revoke Rodriguez-Castro supervised release and that Rodriguez-Castro be sentenced to imprisonment for ONE (1) YEAR AND ONE (1) DAY, with no term supervised release to follow the term of imprisonment (Clerk's Document No. 42).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On November 5, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 40). The court, having reviewed the entire record and finding no plain error, accepts

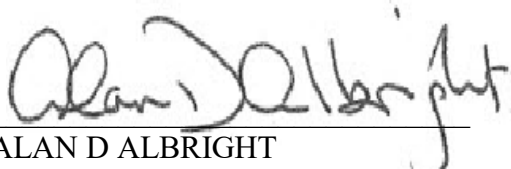
and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 42) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) JUAN UBALDO RODRIGUEZ-CASTRO's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) JUAN UBALDO RODRIGUEZ-CASTRO be imprisoned for ONE (1) YEAR AND ONE (1) DAY with no term of supervised release.

Signed this 19th day of November, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE